

WO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Nestor D. Murillo-Flores,)	No. CV 08-0943-PHX-JAT
Petitioner,)	ORDER
vs.)	
Michael B. Mukasey, et al.,)	
Respondents.)	

Pending before the Court is Petitioner's Amended Petition for Writ of Habeas Corpus ("Petition") (Doc. #2) filed pursuant to 28 U.S.C. § 2241. The Magistrate Judge issued a Report and Recommendation ("R&R") (Doc. #30) recommending that the Petition be denied.

Neither party has filed objections to the R&R. Accordingly, the Court hereby accepts the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not required to conduct "any review at all . . . of any issue that is not the subject of an objection" (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*) ("statute makes it clear that the district judge must review the magistrate judge's findings and recommendations de novo if objection is made, but not otherwise" (emphasis in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).

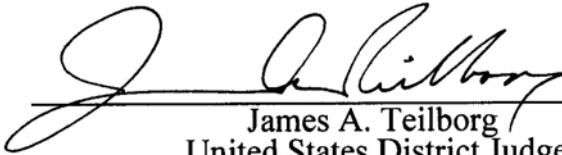
Accordingly,

IT IS ORDERED that the Magistrate Judge's Report and Recommendation (Doc. #30) is **ACCEPTED**;

1 **IT IS FURTHER ORDERED** that Petitioner's Amended Petition for Writ of Habeas
2 Corpus (Doc. #2) is **DENIED**; and

3 **IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT**
4 **PREJUDICE** in the event the circumstances surrounding Petitioner's detention change.

5 DATED this 5th day of February, 2009.

6
7
8 
9 _____
10 James A. Teilborg
11 United States District Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28